

Appl. No. 10/733,058  
Reply to Office Action of November 21, 2006

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REMARKS

Applicants submit herewith an Amendment accompanying Request for Continued Examination. Applicants have added new claims 7 – 13 in order to alternately define the invention. Support for these new claims can be found in paragraphs [0074] – [0081] of the specification. Applicants respectfully request that the finality of the prior rejection be withdrawn, and that amended claim 6 and new claims 7 – 13 be considered on their merits.

Applicants respectfully request reconsideration of the prior art rejections had forth by the Examiner under 35 U.S.C. sections 102 and 103. Applicants respectfully submit that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicants' presently claimed invention.

More specifically, by this amendment, Applicants have modified independent claim 6 to further specify that the roll includes printing portions that have been partially cut and portions that have not been partially cut. The claim essentially specifies the printing roll material as would be found in the printing and cutting apparatus disclosed in the instant application (See Fig. 4, for example). For example, during operation, a roll of the printing material would be inserted into the printer. The printer transmits a portion of the printing material through various stages including separate printing and cutting portions. Advantageously, cutting is performed internal to the printing apparatus and the problems inherent in the prior art where have cutting of the roll of printing material was performed prior to insertion into the printing apparatus.

As noted in Applicants' specification, the previous conventional approach which relied upon pre-cutting the roll of printing material by including width-wise half cuts at desired locations suffered from some very serious the shortcomings. One problem inherent in the prior art approach was that the precut portions would inadvertently release from the roll of material before the printing

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operation. Obviously, such a problem would result in jamming of the printer and other serious inefficiencies. Another serious shortcoming was that it was critical to properly align the precut portions with the printer head so that the printing operation was performed on the appropriate locations.

Applicants have disclosed a significant improvement over the prior art by providing a width-wise half cutting mechanism internal to the printing device which eliminates the significant shortcomings of the prior art. In accordance with presently claimed invention, Applicant's printing mechanism provides for the ability to either a) provide a completely uncut printing medium and provide the longitudinal and width-wise cuts within the printing device, or b) provide a printing medium containing only longitudinal cuts but no width-wise cuts and provide the width-wise cuts within the printing device. Independent claim 6 and its dependent claim is directed to the former, while new claims 7 – 8 and 10 – 13 are directed to the latter.

Applicants submit that the prior art references of record, whether considered alone, or in combination, fail to provide any teaching or suggestion whatsoever regarding this advance in the art. The primary reference upon which the Examiner relies in rejecting the claims is apparently directed to the acknowledged conventional approach wherein the roll of printing material is precut prior to insertion into the printing apparatus. This is demonstrated by the fact that the reference does not describe any half cutting mechanism. The only possible conclusion is that the roll of printing material in the prior art has been previously half cut prior to insertion into the printing apparatus. The Examiner bears the burden of demonstrating how the prior art discloses the claimed subject matter.

Additionally, Applicants respectfully submit that under §706.02 part II (page 700-22) of the MPEP, it is improper to rely upon an English abstract when the underlying document is available as

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prior art. (citing *Ex parte Jones*, 62 USPQ2d 1206, 1208). The Board of Patent Appeals and Interferences further stated in *Ex parte Jones* that "One continuing recurring problem is the citation and reliance by examiners on abstracts, without citation and reliance on the underlying scientific document." *Id.* Furthermore, the Board stated that "In our view, obtaining translations is the responsibility of the examiner." *Id.* at 1209.

In specific regard to newly added claims 7 - 8 and 10 - 13, Applicants submit that the Kawachi reference fails to disclose, teach, or suggest anything regarding a print-roll having a printing layer formed with pre-cut's in only the longitudinal direction (i.e., no pre-cuts formed in the width-wise direction which is perpendicular to the direction of conveyance of the printing layer in the printer device). For at least this reason, Applicants submit that new claims 7 - 8 and 10 - 13 are patentably distinct over the cited art of record.

In light of the foregoing, Applicants submit that all claims now stand in condition for allowance.

Respectfully submitted,

Date:

3/21/07

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